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Attorneys for Defendants  
RESTORATION HARDWARE, INC., GARY  
FRIEDMAN

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

EMECO INDUSTRIES, INC.

Plaintiff,

v.

RESTORATION HARDWARE, INC., GARY  
FRIEDMAN, and DOES 1-10.

Defendants.

CASE NO. CV 12-05072 MMC

**STIPULATION TO CONTINUE  
HEARING ON PRELIMINARY  
INJUNCTION; ~~PROPOSED~~ ORDER  
THEREON**

1 Plaintiff Emeco Industries, Inc. ("Plaintiff"), and Defendants Restoration Hardware, Inc.  
2 and Gary Friedman ("Defendants") hereby stipulate through their respective attorneys as  
3 follows:

4 WHEREAS, Plaintiff filed a motion for a preliminary injunction on October 10, 2012,  
5 Dkt. No. 10; Defendants filed a response to the motion for a preliminary injunction on  
6 November 16, 2012, Dkt. No. 26; Plaintiff filed a reply on November 30, 2012, Dkt. Nos. 37,  
7 38, 39; and Defendants filed a motion for leave to file a surreply on December 7, 2012, Dkt. No.  
8 42;

9 WHEREAS, Plaintiff intends to file an opposition and/or response to Defendants'  
10 motion for leave to file a surreply;

11 WHEREAS, the hearing date on Plaintiff's motion for a preliminary injunction is  
12 currently set for December 14, 2012 at 9 a.m.;

13 WHEREAS, the parties are presently in settlement discussions in an attempt to resolve  
14 their dispute without the Court's intervention;

15 WHEREAS, the parties jointly request a short continuance of the hearing date on  
16 Plaintiff's motion for a preliminary injunction to allow the parties to continue their settlement  
17 discussions;

18 WHEREAS, the parties are aware that the typical day for civil law and motion hearings  
19 for the Court is Friday, but counsel for Defendants has a child scheduled for surgery on Friday,  
20 December 21, 2012; and

21 WHEREAS, the parties respectfully request that the hearing be on Thursday, December  
22 20, 2012 at 9 a.m. or at a time thereafter that is convenient for the Court, or another date during  
23 that week that is convenient for the Court besides Friday, December 21, 2012.

24 NOW THEREFORE, IT IS HEREBY STIPULATED that, subject to the Court's  
25 approval:

26 1. The hearing on the preliminary injunction shall be continued until December 20,  
27 2012 at 9 a.m.

Respectfully Submitted,

Dated: December 7, 2012

Dated: December 7, 2012

/s/ Jonathan H. Blavin

JONATHAN H. BLAVIN  
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/s/ Wesley E. Overson

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Attorneys for Plaintiff  
Emeco Industries, Inc.

Attorneys for Defendants  
Restoration Hardware, Inc. and Gary  
Friedman

**PURSUANT TO STIPULATION, IT IS SO ORDERED.** Specifically, the hearing on the motion for a preliminary injunction is continued from December 14, 2012 to January 11, 2013, at 9:00 a.m.

DATED: December 11, 2012

  
HONORABLE MAXINE M. CHESNEY  
United States District Judge

**ATTESTATION PURSUANT TO GENERAL ORDER 45 X.B.**

I, Jonathan H. Blavin, am the ECF User whose ID and password are being used to file this Stipulation to Continue Initial Case Management Conference. In compliance with General Order 45, X.B., I hereby attest that Wesley E. Overson has concurred in this filing.

Dated: December 7, 2012

MUNGER, TOLLES & OLSON LLP

/s/ Jonathan H. Blavin

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